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U.S. DISTRICT COURT
SAN JUAN, PR

Appendix B

United States Court of Appeals For the First Circuit

Nos. 13-2079; 13-2306

UNITED STATES,

Plaintiff, Appellee,

v.

COMMONWEALTH OF PUERTO RICO, ET AL.,

Defendants,

JORGE DIAZ-CASTRO,

Movant, Appellant.

Lynch, Chief Judge,
Torruella, Howard, Thompson and Kayatta,
Circuit Judges.

ORDER OF COURT

Entered: March 13, 2014

Currently pending before this court are Diaz-Castro's "En Banc Petition for Writ of Mandamus," "Emergency Supplementary Motion . . . Requesting the Right to be Heard in Oral Argument," and his "Petition for Panel Rehearing and/or Rehearing En Banc," and Memorandum of law in support. We construe the "En Banc Petition for Writ of Mandamus" as supplementing his petition for rehearing and rehearing en banc of our Judgment dated January 17, 2014, summarily affirming the denial of his motion for intervention. To the extent that Diaz-Castro is objecting to the summary disposition of his appeal prior to his having been provided with transcripts of district court proceedings, he has not established that rehearing or en banc review is warranted on that basis.

Even were we to construe that filing as a petition for writ of mandamus, we would not find that Diaz-Castro has satisfied the standard for obtaining mandamus relief. See In re Justices of Superior Court Dept. of Massachusetts Trial Court, 218 F.3d 11, 15 (1st Cir. 2000).

Nor has petitioner's "Petition for Panel Rehearing and/or Rehearing En Banc" established that there are any relevant points of law or fact that this court overlooked or misapprehended, that our Judgment dated January 17, 2014 conflicts with a decision of the United States Supreme Court or of the First Circuit, or that his case "involves one or more questions of exceptional importance." Fed.R.App.P. 35(b)(1)(B).

The petition for rehearing and for rehearing en banc, having been denied by the panel of judges who decided the case, and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and petition for rehearing en banc be denied. The request "to be heard in oral argument" is also denied.

By the Court:

/s/ Margaret Carter, Clerk.

cc:

Dennis Dimsey
Nelso Perez-Sosa
Christopher Wang
Jorge Diaz-Castro
Beatriz Annexy-Guevara
Carlos Del Valle Cruz
Frank Inserni Milam
Gregoria Igartua-de-la-Rosa
Josue Gonzalez-Ortiz